

# HOUSE . . . . . No. 898

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By Mr. Kennedy of Brockton, petition of Thomas P. Kennedy for legislation to prohibit certain ritualistic actions. The Judiciary.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Five.

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AN ACT PROHIBITING CERTAIN RITUALISTIC ACTS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 265 of the General Laws is hereby amended by  
2 inserting after section 43 the following three sections:—

3 Section 44. No person shall commit ritualistic mutilation, dis-  
4 memberment, or torture of a person as part of a ceremony, rite,  
5 initiation, observance, performance, or practice.

6 Any person who commits, attempts to commit or conspires  
7 with another to commit a violation of this section shall be pun-  
8 ished by imprisonment in the state prison for life or for any term  
9 of years.

10 Section 45. No person shall commit ritualistic physical or psy-  
11 chological abuse, including sexual abuse of a child or of a physi-  
12 cally or mentally disabled adult as part of a ceremony, rite,  
13 initiation, observance, performance, or practice.

14 Any person who commits, attempts to commit or conspires  
15 with another to commit a violation of this section shall be pun-  
16 ished by imprisonment in the state prison for life or for any term  
17 of years.

18 Section 46. Whoever commits any of the following acts upon,  
19 with, or in the presence of a child age 18 or under shall be pun-  
20 ished by imprisonment in the state prison for not more than ten  
21 years, or by imprisonment in a jail or house of correction for not  
22 more than two and one-half years, and whoever commits a second  
23 or subsequent such offense shall be punished by imprisonment in  
24 the state prison for life or any term of years.

25 (a) Actually commits or simulates the killing of, or tortures,  
26 mutilates or sacrifices any animal or human being.

27 (b) Forces the ingestion, injects or in any other way applies the  
28 use of a narcotic, drug, hallucinogen or anesthetic or mind altering  
29 substance for the purpose of dulling sensitivity, cognition, resis-  
30 tance, memory or to distort perception of any criminal or unlawful  
31 activity.

32 (c) In any way forces the ingestion of or external application of  
33 human or animal urine, feces, flesh, blood, body parts, body  
34 secretions, drugs or chemicals.

35 (d) Forces or entices the child to have sexual contact with  
36 another human or animal during a ritual ceremony, or rite or other  
37 related observance.

38 (e) Places a child in a coffin or grave.

39 (f) In any way threatens the child with death or serious harm to  
40 the child, the child's parents, family, friends or pets.

41 (g) Unlawfully dismembers, mutilates or incinerates a human  
42 corpse.

43 (h) Forces the child to be placed in areas in which the child will  
44 come close to or in contact with human body parts.

45 (i) Simulates the performance of surgery and placing imaginary  
46 foreign object within the child for the purpose of creating fear  
47 within a child.

48 (j) Forces a child to participate in any ceremony, observance,  
49 practice or rite, purporting to be a marriage to any deity or other  
50 person and following such ceremony, observance, practice or rite  
51 with sexual contact or torture.

52 No person serving a sentence for a second or subsequent such  
53 offense shall be eligible for furlough, temporary release, programs  
54 outside a correctional facility until such person shall have served  
55 three quarters of the total of all minimum sentences.

56 In prosecution under this section, it is not a defense that a child  
57 under the age of 18 will be deemed to have consented to the  
58 actions of the defendant.

59 The provisions of this section shall not apply to:

60 (1) The lawful agricultural, animal husbandry, food preparation  
61 or wild game hunting and fishing practices and specifically the  
62 branding or identification of livestock,

- 63 (2) The lawful medical practice of circumcisions or any cere-  
64 mony related thereto,
- 65 (3) Any state or federally approved, licensed or funded research  
66 project.